IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 11389 of 2003**

Between:

B. Janardhan Reddy S/o. Late Bugga Reddy
R/o. Agganoor Village, Yalal Mandal,
Ranga Reddy District.

**..... PETITIONER**

AND

1 The District Collector
Ranga Reddy District at Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer Vikarabad Division,
Vikarabad, R.R. District
3 The Mandal Revenue Officer,
Yalal Mandal, R.R. District
4 The Mandal Surveyor,
O/o. M.R.O., Yalal Mandal,
R.R. District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus i) declaring the action of the respondents in proposing to assign the Kagna river bed land adjacent to the Sy.No. 112 situated at Agganoor Village, Yalal Mandal, as arbitrary, illegal, unreasonable and violative of principles of natural justice and contrary to G.O.Ms.No. 1406 dated 25-7-1958 ii) direction to the respondents not to assign the Kagna River bed land adjacent to the Sy.No. 112 situated at Agganoor Village, Yalal Mandal, contrary to G.O.Ms.No. 1406 dated 25-7-1958 and costs be awarded to the petitioner.

**Counsel for the Petitioner:MR.B.MAHENDER REDDY**

**Counsel for the Respondents : G.P. FOR REVENUE**

**The Court made the following :**

**ORDER:**

With the consent of both the parties, the writ petition itself is taken for final hearing.

2. This writ petition is filed by B.Janardhan Reddy seeking a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing to assign the Kagna river bed land adjacent to the Sy.No. 112, situated at Agganoor village, Yalal Mandal, as arbitrary, illegal, unreasonable and violative of principles of natural justice and contrary to G.O.Ms. No.1406, dated 25-7-1958.

3. The petitioner found to be excess holder of land under Land Ceiling Proceedings and he surrendered some of his lands towards excess holding. It is his grievance that the land adjacent to land bearing No.112 is a river bed land and assignment of the said land is prohibited under G.O.Ms. No.1406, dated 25-7-1958. He further submits that the petitioner brought to the notice of the Mandal Revenue Officer raising objection with regard to allotment of tank bend land to the landless poor. He refers to the representation submitted by him on 12-6-2003.

4. Per contra the learned Government Pleader for Revenue submits that the writ petitioner being the occupant of the tank bend land is preventing the assignees from taking possession of the same.

5. The fact remains that land is a river bed land. It appears that the Revenue Divisional Officer, Vikarabad addressed a letter to the Collector proposing for cancellation of the assignment in respect of river bed land. A copy of the letter has been placed on record.

6. In view of the above facts, I deem it appropriate to direct the 1st respondent to consider the representation submitted by the petitioner on 12-6-2003 as well as the letter submitted by the Revenue Divisional Officer-2nd respondent and pass

appropriate orders. However, I make it clear this will not authorized to the petitioner to continue to be in possession of any part of the tank bend land. The authorities have to consider the representation of the petitioner within two months from the date of receipt of a copy of this order and pass appropriate orders.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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B.Seshasayana Reddy,J

13th June,2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector
Ranga Reddy District at Lakdikapool, Hyderabad.
2 The Revenue Divisional Officer Vikarabad Division,
Vikarabad, R.R. District
3 The Mandal Revenue Officer,
Yalal Mandal, R.R. District
4 The Mandal Surveyor,
O/o. M.R.O., Yalal Mandal,
R.R. District.

5. 2 CCs to G.P. for Revenue, High Court buildings, Hyderabad.

6. 2 CD copies

7. 1 CC to MR.MAHENDER REDDY

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**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

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**WRIT PETITION NO : 11389 of 2003**

**13th June, 2005**